IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1094 of 2007()

CRMP.96/2007 of DISTRICT COURT, THODUPUZHA
CRIME NO.436/06 OF KATTAPPANA POLICE STATION

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: PETITIONERS/ACCUSED NOS.1 AND 2

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1. RAJU @ RAJI, S/O. CHERIAN MATHAI,
AGED 32, MANNOR HOUSE, VENGALOOR KADA BHAGOM,
NARIYAMPARA P.O., AYYAPPANKOVIL VILLAGE, IDUKKI.

2. BINDU, W/O. RAJU, AGED 30 YEARS,
MANNOR HOUSE, VENGALOOR KADA BHAGOM,
NARIYAMPARA P.O., AYYAPPANKOVIL VILLAGE, IDUKKI.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KATTAPPANA
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1094 OF 2007 B

Dated this the 28th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioners, who are husband and wife and accused Nos.1 and 2 in Crime No.436/2006 of Kattappana Police Station for offences punishable under Secs.324, 294(b), 506(ii) and 308 read with section 34 I.P.C., seek anticipatory bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the fact that the very same police have registered a counter case as Crime No.435/2006 in which the allegation is that the modesty of the second petitioner was attempted to be outraged by the de facto complainant, I am inclined to grant anticipatory bail to the petitioners. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the petitioners on bail for a period of one month in the event of their arrest in connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. 1st Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

c. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. Petitioners shall not commit any offence while on bail.

e. Petitioners shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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